

AMENDED IN ASSEMBLY MARCH 24, 2003
AMENDED IN ASSEMBLY FEBRUARY 6, 2003
AMENDED IN ASSEMBLY JANUARY 30, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 29

Introduced by Assembly Member Reyes
(Coauthors: Assembly Members Bermudez, Diaz, Garcia, Lieber,
and Montanez)
(Coauthor: Senator Soto)

December 2, 2002

An act to add Section 6302.5 to the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as amended, Reyes. Protective orders: domestic violence.

Existing law provides for the issuance of protective orders in cases of domestic violence.

This bill would require any person who petitions the court for a domestic violence protective order *and in the petition claims abuse against a minor, as specified*, to serve specified persons with a copy of the order and related pleadings, and provide proof of service to the court, as specified. ~~The bill would require the court to inquire into compliance with these provisions, and, upon noncompliance, would require the court to deny the domestic violence protective order.~~ The bill would require all domestic violence protective orders to include a notice to the petitioner of his or her duty to comply with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6302.5 is added to the Family Code, to
2 read:
3 6302.5. (a) (1) Any person who has petitioned the court for
4 an order under this part ~~and has been awarded custody of, or~~
5 ~~unsupervised visitation with, a minor who has custody of a minor,~~
6 ~~and who claims in the petition abuse or history of abuse against~~
7 ~~the minor or any other minor in the household,~~ shall serve by mail
8 a copy of the order and related pleadings to the last known address
9 of the following persons:
10 (A) The other parent of the minor, *if the parent has joint legal*
11 *or physical custody*, unless the respondent.
12 (B) If the respondent has *joint legal or physical custody* of any
13 minor child unrelated to the petitioner, the other parent of that
14 minor.
15 (2) Pursuant to paragraph (1), the petitioner shall file with the
16 court, ~~prior to or at~~ *within seven days after* the hearing of this order,
17 proof of service by mail pursuant to Section 1013a of the Code of
18 Civil Procedure.
19 ~~(b) At the hearing, the court shall inquire whether the petitioner~~
20 ~~has complied with subdivision (a). If the petitioner has not~~
21 ~~complied with subdivision (a), then the order may not be issued.~~
22 ~~(c) Nothing in this section may be used as evidence to change~~
23 ~~any previous custody order or agreement.~~
24 ~~(d)~~
25 (b) All domestic violence protective orders under this part shall
26 set forth on the face a notice in substantially the following form:
27 “NOTICE TO THE PETITIONER: If you have any minor
28 children, you are required to serve by mail a copy of this order and
29 related pleadings to the last known address of the parent of your
30 minor children *with whom you share joint legal or physical*
31 *custody*, unless he or she is the respondent. If the respondent has
32 any other minor children unrelated to you, you are also required
33 to serve, in the same manner, the other parent of those minor
34 children. ~~Service of these persons, however, may not be used to~~
35 ~~change any current custody order or agreement.~~ You must provide

1 proof of service by mail to the court ~~prior to or at~~ *within seven days*
2 *after* the hearing of this order. ~~The court is required to inquire~~
3 ~~whether you have complied with these requirements. Failure to~~
4 ~~comply shall result in this order being denied.”~~

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